



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONSTRUCTION CODES COORDINATING BOARD**

**SPECIAL MEETING**

**Minutes of Thursday, June 30, 2011**

10:00am – 12:00pm

**1100 4th Street, SW**

**Director's Conference Room, 5th Floor**

**Washington, DC 20024**

Members Present	Members Not Present	Members of the Public
Paul Waters (Acting Chair)	Robert Hershey	Nicole Whiteman
Alex Berley by conference call	Ethan Landis	
Curtis Clay		
Marc Fetterman		
Dave Hollinger		
Rabbiah Sabbakhan		
Jill Stern		
Herbert Taylor		

***Call to Order***

Paul Waters called the meeting to order at 10:15 am and followed with a roll call of members present.

***Review and approval of the meeting agenda with Amendments***

Paul Waters announced that he would like to add to the agenda a discussion of questions recently emailed to the Chair. The meeting agenda, as amended, was approved by the Board following a motion by Jill Stern which was seconded by Alex Berley.

***Discussion of Questions Recently Emailed to the Chair***

Paul Waters began by noting that he had received several questions, emailed by Board members, during the past week.

1. Marc Fetterman's June 23, 2011, email asked whether DCRA would distribute Construction-Code-related matters published in the *DC Register* to Board members. It was noted that Gerald Keys had distributed these materials to the Board while he had been Chair. Paul Waters agreed to follow-up with Helder Gil on this request.
2. Marc Fetterman's June 24, 2011, email referred to the May 6, 2011, *DC Register* "Notice of Emergency and Proposed Rulemaking" (pages 4042-4043). This document contained revisions to Section 3107.3.5.3 – Signs within a building, that had not been approved by the CCCB as part of code change BC-31-01-08. Marc Fetterman acknowledged the important role that had been played by the Office of



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the Attorney General by making revisions to this code change but he questioned whether Mayor's Order 2009-22, that established the CCCB, allowed any group other than the CCCB to approve code changes. He asked whether the Board should vote today to approve the revised language contained in the *DC Register*.

Paul Waters responded by saying that the Office of the Attorney General had contacted DCRA with recommended revisions after it had reviewed the code change for legal sufficiency. Rabbiah Sabbakhan was notified of the revisions and felt they were minor in nature. Paul Waters stated that this Emergency Rulemaking had been published in the *DC Register* and was in effect as of March 25, 2011, the date the Board voted to approve BC-31-01-08. The matter had not come back to the Board due the emergency nature of the issue but if the Board wished to approve the revised language, he would not object.

### **Motion**

Marc Fetterman made a motion to approve the language published in the *DC Register* on May 6, 2011 (pages 4042-4043), which is a minor revision of code change BC-31-01-08. The motion was duly seconded and approved by Board

During discussion of the above matter, Jill Stern recommended changing the Office-of-the-Attorney-General-approved language in the similar code change to the 2009 model codes, BC-31-2-11 Section 3107.3.5.3 – Exceptions would read: “**Exceptions:** The following signs are not subject to the exemption from permit under this subsection where the sign will be visible from public space.” Marc Fetterman agreed to incorporate this change into edits to Chapters 2 – 34.

3. Marc Fetterman's June 29, 2011, email raised the issue of Section 113.2.1 (2) “Service of Notice of Violation or Order,” specifically whether notice by email was reasonable or sufficient. It was agreed to discuss this matter while finishing up the review of Chapter 1.
4. Robert Hershey's June 29, 2011, email recommended deletion of Section 106.1.15. It was agreed to discuss this matter while finishing up the review of Chapter 1.

### ***Review and approval of meeting minutes***

The meeting minutes for Thursday, June 16, 2011, were table until Thursday, July 21, 2011.

### ***Continuation of Revisions to Draft Construction Code Supplement 2011 12 DCMR A – Chapter 1***

The Board continued with the review of Chapter 1 – Scope & Administration. Additional comments from Jill Stern, Rabbiah Sabbakhan, Robert Hershey and Marc Fetterman were discussed.



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1. Jill Stern reviewed the following Chapter 1 sections with Board members.  
Sections 119, 120, 121 will remain as “RESERVED”  
Section 105.1 (d)  
Section 105.3.1.1 –Third Party Plan Review  
Section 105.3.4 – Approval of Partial Plans  
Section 105.2 – will remain “RESERVED”  
Section 105.3.8 – Amendments to Permits  
Section 106.1.1.1 – Shop Drawings, Exception  
Section 109.3.1.1 – Reserved (changed numbering)  
Section 109.3.1.3 – Reserved (changed numbering)  
Section 109.3.1.4 (will be changed to 109.3.2.4)  
Section 109.3.1.5 (will be changed to 109.3.3.5)  
Section 114.8 – Code Official  
Section 115.4 (will be deleted)  
Section 115.5 (will be changed to 115.4)
2. Rabbiah Sabbakhan proposed a revision to Section 109.3.13.1.9 – Other Construction.
3. Robert Hershey suggested deleting Section 106.1.15 – Green Building Documents. Rabbiah Sabbakhan disagreed and suggested that it should be rewritten. The Board had a roundtable discussion of this matter and agreed not to delete this Section but to amend the language. The “Green” Working Group that has been established will be asked to address this issue further.
4. Board members discussed Marc Fetterman’s email sent to the Chair on June 29, 2011, regarding Section 113.2.1 (2) “Service of Notice of Violation or Order.” Paul Waters explained that DCRA requires a person to provide DCRA with an email address when filing for a permit or license. The use of email to issue a Service of Notice or Violation or Order has been approved by the City Council and DCRA must follow this Council action. Marc Fetterman stated that by sending an email one cannot assume receipt of the email by the intended recipient. Paul Waters emphasized that this matter had been discussed with David Briggs already and David Briggs was OK with this language. Paul Waters stated that for electronic service to be a sufficient means of service, DCRA would have to prove that the document had been received by the intended recipient.
5. Jill Stern informed Paul Waters that the email provision discussed in item 4 immediately above was not incorporated in the other Chapter 1 sections that have similar provisions. Paul Waters stated that the code document should be consistent and that he would make the adjustments to the other sections to incorporate electronic service.

**Motion**



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Marc Fetterman made a motion to approve Chapter 1 – Scope & Administration with revisions made by the Board. The motion was seconded by Rabbiah Sabbakhan and approved by Board members.

***Review and Revisions to Draft Construction Code Supplement 2011 12 DCMR A – Chapters 2-34***

Marc Fetterman reviewed his comments previously sent to Board members by email on June 6, 2011.

- Section 202 (8) – Assisted Living Facility (list as a separate definition; remove the #8)
- Section 310.1 – Residential Group (language restored from code change BC-3-1-11)
- Section 310.1-R3 (language restored from code change BC-3-1-11)
- Section 310.2 – Definitions (delete, not in code change BC-3-1-11)
- Section 905.3.1 – Building Height, Exception #3 (change second reference of Class I to Class II)
- Section 911 – Fire Command Center (language restored from code change FLS-IBC-9-4-11)
- Section 1008.1.9.7 – Delayed Egress Locks (language restored from code change FLS-IBC-10-4-11)
- Section 1008.1.9.10 – Stairway Doors, Exception #3 (language restored from code change FLS-IBC-10-6rev-11)
- Section 1100.1 – Scope (language restored from code change A-11-1-11)
- Section 1107.6.2 (language restored from code change A-11-9-11 and text moved to be in numerical order)
- Section 1405.13.2 – Window Sills, Exception 1 (language restored from code change BC-14-1-11)
- Table 1607.1 – Minimum Uniformly Distributed Live Loads and Minimum Concentrated Loads (add 5a. Decks)
- Table 1607.1 (16) – Garages (no change)
- Section 1809.5 – Frost Protection (language restored from model code per S-18A-1-11 rev)
- Section 3107.3.5.3 – Signs within a building. (See text above under ***Discussion of Questions Recently Emailed to the Chair***, item 2, last paragraph.)
- Section 3107.1.7.1 – Special Signs, definition of Sponsor (Rabbiah Sabbakhan to determine correct section reference.)
- Section 3111 – Fences (change 3110 to 3111 to avoid conflict with existing section 3110 in 2009 IBC)
- Chapter 34 – Existing Structures (language restored from code change CCCC-34-1-11)
- Appendix L – Numbering of Buildings (code change BC-AL-1-11 deleted per recommendation of IP TAG and concurrence of Rabbiah Sabbakhan.)

**Motion**

Marc Fetterman made a motion to approve the revisions made to Chapters 2-34 including Appendix L, as amended today, subject to Rabbiah Sabbakhan submitting the correct section reference for definition of Sponsor under Special Signs and Marc Fetterman inserting consistent words *in italics* to note additions or deletions to the model code. The motion was seconded by Rabbiah Sabbakhan, the Board voted and the motion was approved.



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Paul Waters concluded the CCCC meeting by stating that once he receives information from Rabbiah Sabbakhan and Marc Fetterman, he will incorporate all changes agreed upon today to Chapters 1-34 and provide Board members with an electronic copy for final review.

***Comments by Members of the Public***

There were no public comments.

***Adjournment***

Meeting adjourned at 12:45pm, following a motion by Jill Stern which was seconded by Herbert Taylor.

**Next meeting is scheduled for Thursday, July 21, 2011 – 10:00am – 12:00pm**